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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE RAMON MENDOZA-GAUNA,

Plaintiff - Appellant,

v.

CORRECTIONS CORPORATION OF
AMERICA,

Defendant - Appellee.

No. 07-15473

D.C. No. CV-03-00876-PHX-EHC

MEMORANDUM *

Appeal from the United States District Court
for the District of Arizona
Earl H. Carroll, District Judge, Presiding

Submitted December 17, 2008**

Before: WALLACE, TROTT, and RYMER, Circuit Judges.

Jose Ramon Mendoza-Gauna, an Arizona state detainee, appeals pro se from the district court's summary judgment in his diversity action alleging negligence

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

and medical malpractice. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Sanchez v. Vild*, 891 F.2d 240, 241-42 (9th Cir. 1989). We affirm.

The district court properly determined that no reasonable jury could conclude that the defendant's alleged negligence was the proximate cause of Mendoza-Gauna's injuries. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 252 (1986) (holding that the mere existence of a scintilla of evidence in support of the plaintiff's position is insufficient to create a triable issue); *see also Gipson v. Kasey*, 150 P.3d 228, 230 n. 1 (Ariz. 2007) (stating that although causation is a factual matter, summary judgment may be appropriate if no reasonable juror could conclude that the damages were proximately caused by the defendant's conduct).

The district court properly granted summary judgment on Mendoza-Gauna's medical malpractice claim because he did not raise a triable issue as to whether his medical treatment deviated from the proper standard of care. *See Stanley v. McCarver*, 92 P.3d 849, 854 n. 5 (Ariz. 2004) (“[T]o establish a claim of medical malpractice, a plaintiff must prove that the health care provider failed to exercise that degree of care, skill and learning expected of a reasonable, prudent health care provider in the profession or class to which he belongs within the state acting in the same or similar circumstances.”).

Mendoza-Gauna's remaining contentions are unpersuasive.

AFFIRMED.